

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ANDREW GLORIOSO,

Plaintiff,

DECLARATION

- against -

10-cv-3724 (NG) (RML)

FEDERAL BUREAU OF INVESTIGATION and
UNITED STATES,

Defendants.
-----X

Pursuant to 28 U.S.C. § 1746, Nestor Pujols declares, under penalty of perjury,
that the following is true and correct:

1. I am a Paralegal Specialist at the Federal Bureau of Investigation (FBI),
located at 26 Federal Plaza, New York, New York 10278.
2. On March 22, 2011, in my capacity as a Paralegal Specialist, I conducted a
search of the FBI Automated Case System (ACS) for Federal Tort Claims Act (FTCA) claims
pertaining to the alleged automobile collision of August 15, 2008 involving Mr. Andrew
Glorioso and a vehicle owned and operated by the FBI. A Standard Form SF-95, the Claim for
Damage, Injury, or Death for the sum certain of five million dollars (\$5,000,000.00) was located.
Attached to the SF-95 was a letter of representation from the Law Office of Talkin, Muccigrosso
& Roberts located at 40 Exchange Place, 18th Floor, New York, New York 10005, dated March
23, 2009. The letter was received by Paralegal Specialist Nestor Pujols on April 9, 2009.
3. The March 22, 2011 ACS search located a letter dated November 24, 2009
sent by certified mail to the Law Office of Talkin, Muccigrosso & Roberts located at 40
Exchange Place, 18th Floor, New York, New York 10005 to the attention of Mr. Jonathan

Roberts. A true and correct copy of the November 24, 2009 letter is annexed hereto as Exhibit A.

4. The United States Postal Service receipt received by Paralegal Nestor Pujols indicated that the November 24, 2009 letter was received by the mentioned law office on November 25, 2009. Mr. Roberts, on behalf of his client Mr. Glorioso, was offered the sum of twelve thousand one hundred forty two dollars (\$12,142.00) as full settlement for the tort claim. In the last paragraph of the November 24, 2009 letter, Mr. Roberts was advised of what actions to take if he or his client were dissatisfied with the offer.

5. Specifically, the November 24, 2009 letter advised Mr. Roberts as follows: "Please be advised that 28 Code of Federal Regulations section 14.9(a) requires us to inform you that, if you are dissatisfied with our decision, suit may be filed against the United States in an appropriate United States District Court, not later than six (6) months after the date of this letter."

Dated: March 23, 2011

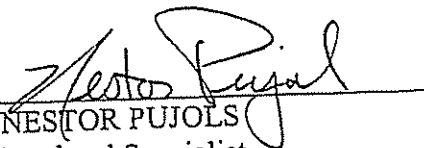

NESTOR PUJOLS
Paralegal Specialist
Federal Bureau of Investigation

EXHIBIT A



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No. NY-300623

26 Federal Plaza
New York, NY 10278

November 24, 2009

Law Offices Of
Talkin, Muccigrosso and Roberts, LLP.
40 Exchange Place,
18th Floor
New York, New York
10005

Attention: Mr. Jonathan Roberts

CERTIFIED MAIL 7003 2260 0002 4097 7971

RE: CLAIMS AGAINST THE UNITED STATES GOVERNMENT
UNDER THE FEDERAL TORT CLAIMS ACT (FTCA)
TITLE 28, UNITED STATES CODE (U.S.C.), §2672
ACCIDENT INVOLVING YOUR CLIENT MR. ANDREW
GLORIOSO AND THE FEDERAL BUREAU OF
INVESTIGATION ON AUGUST 15, 2008

Dear Mr. Roberts:

The Standard Form 95, Claim for Damage, Injury or Death, submitted by you on behalf of your client Mr. Andrew Glorioso, pursuant to the provisions of the Federal Tort Claims Act in regard to the captioned matter has been referred to this office for determination.

Please be advised that we have carefully reviewed the facts surrounding this accident and the applicable provisions of the FTCA, 28 United States Code (U.S.A.) section 2675(a). 28 U.S.A. section 2675(a) provides for the payment of claims arising out of the negligent or wrongful acts of a federal employee while acting within the scope of his/her employment.

After a review of the submitted documentation, and in order to effect a fair and amicable settlement, we offer \$12,142.00 in full settlement of this claim. This amount reflects \$2,142.00 for property damage and \$10,000.00 for pain and suffering.

Please complete the enclosed voucher and return it to this office. In order to receive payment you must enter the information required in section 3, ELECTRONIC FUNDS TRANSFER (EFT). Upon receipt the voucher will be processed for payment, allow 4 to 8 weeks for receipt of funds

Please be advised that 28 Code of Federal Regulations section 14.9(a) requires us to inform you that, if you are dissatisfied with our decision, suit may be filed against the United States in an appropriate United States District Court, not later than six (6) months after the date of this letter.

Sincerely,

JOSEPH M. DEMAREST JR.
Assistant Director In Charge

By: 
PAUL F. RAIMONDI
Chief Division Counsel